

1 Add 2 Cal. Code Regs. Section 18371 to read:

2 **§ 18371. Local Agency Ethics Training.**

3 (a) *Core Content: Ethics Law Topics.* The topics enumerated in subdivisions
4 (a)(1) through (a)(4) of this regulation are considered to be the core content of the “ethics
5 laws” component of an ethics orientation course conducted by a local agency pursuant to
6 Government Code section 53235. The course should include instruction on each of the
7 following topics to the extent they are relevant to the official’s public duties:

8 (1) Laws relating to personal financial gain by public servants, including, but not
9 limited to:

10 (A) Laws prohibiting bribery (Penal Code § 68).

11 (B) Conflicts of Interest under the Political Reform Act (Gov. Code
12 §§ 87100, 87103).

13 (C) Contractual Conflicts of Interest (Gov. Code § 1090 et seq.).

14 (D) Conflicts of Interest and Campaign Contributions (Gov. Code
15 § 84308).

16 (E) Conflicts of Interest When Leaving Office (Gov. Code §§ 87406.1,
17 87406.3, 87407).

18 (2) Laws relating to claiming prerequisites of office, including, but not limited to:

19 (A) Limitations on the Receipt of Gifts (Gov. Code §§ 86203, 89503,
20 89506).

21 (B) Honoraria Ban (Gov. Code § 89502).

22 (C) Misuse of Public Funds (Pen. Code § 424; Gov. Code § 8314; *Fair*
23 *Political Practices Commission v. Suitt* (1979) 90 Cal.App.3d 125; *Stanson v.*
24 *Mott* (1976) 17 Cal.3d 206).

25 (D) Prohibitions against gifts of public funds (Cal. Const., art. XVI, § 6).

26 (E) Mass mailing restrictions (Gov. Code § 89001).

27 (F) Prohibitions against acceptance of free or discounted transportation by
28 transportation companies (Cal. Const., art. XII, § 7).

29 (3) Government transparency laws, including, but not limited to:

30 (A) Economic interest disclosure under the Political Reform Act (Gov.
31 Code §§ 87200 et seq.).

1 (B) Brown Act (Gov. Code §§ 54950 et seq.).
2 (C) Public Records Act (Gov. Code §§ 6250 et seq.).
3 (4) Laws relating to fair processes, including, but not limited to:
4 (A) Common law bias prohibitions.
5 (B) Due process requirements.
6 (C) Doctrine of Incompatible Offices.
7 (D) Competitive bidding requirements for public contracts.
8 (E) Disqualification from participating in decisions affecting family
9 members (anti-nepotism laws).
10 (b) Core Content: *Ethics Law* Topics Under Political Reform Act. Of the core
11 content topics set forth in subdivision (a) above, the topics enumerated below ((b)(1)
12 through subdivision (b)(7)) are considered to be the *ethics topics* core content of the
13 “ethics laws” component that pertain to the Political Reform Act, and regarding which,
14 the Commission will provide consultation. The course must include instruction on each
15 of the following topics if relevant to the official’s public position:
16 (1) Conflicts of Interest under the Political Reform Act (Gov. Code
17 §§ 87100, 87103).
18 (2) Conflicts of Interest and Campaign Contributions (Gov. Code
19 § 84308).
20 (3) Limitations on the Receipt of Gifts (Gov. Code §§ 86203, 89503,
21 89506).
22 (4) Honoraria Ban (Gov. Code § 89502).
23 (5) Conflicts of Interest When Leaving Office (Gov. Code §§ *87406.1,*
24 87406.3, 87407).
25 (6) Mass Mailing Restrictions (Gov. Code § 89001).
26 (7) Economic Interest Disclosure Under the Political Reform Act (Gov.
27 Code § 87200 et seq.).
28 (c) A person conducting an ethics orientation course shall be considered to have
29 consulted with the Commission pursuant to Government Code section 53235(c) if the
30 person:

1 (1) Has reviewed the materials specified by the Commission for core content
2 topics covered by the Political Reform Act on the Commission’s website no more than 60
3 days in advance of the date the training is conducted.

4 (2) Develops and presents a training that includes the core content topics covered by
5 the Political Reform Act and sufficiently and accurately reflects **DECISIONPOINT 1:**
6 [**Option 1:** the Commission’s statutes and regulations][**Option 2:** the specified legal
7 information set forth on the Commission’s website]. The training may be in separate
8 segments so long as all the required training is completed by January 1, 2007, and every two
9 years thereafter.

10 **DECISIONPOINT 2:** [(d) Notwithstanding subdivision (c) above, a person
11 conducting an ethics orientation course may request the Commission’s consultation on
12 the substantive content of the course by submitting a copy of the proposed course
13 materials to the Executive Director at least sixty (60) working days prior to the date on
14 which the agency proposes to conduct the ethics orientation course. The Executive
15 Director shall respond in writing to the agency indicating whether additional time is
16 needed for review. Where the 60 working days is adequate time for review, the
17 Executive Director shall respond not more than fifty (50) working days after the
18 submission is received.]

19 (e) Nothing in this regulation shall limit the requirement of Government Code
20 sections 53234 et seq. and 53235.2 to include in the mandated ethics training any topics
21 which are not within the Political Reform Act, such as “general ethics principles,” “local
22 ethics policies,” or those ethics laws under the purview of the Office of the Attorney
23 General.

24
25 Note: Authority Cited: Section 83112, Government Code.

26 Reference: Sections 53234, 53235, 53235.1, and 53235.2, Government Code.